IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21283 of 2004

Between:

1 Vardhineedi Yesudasu, S/o. Krishnamurthy, Hindu,
R/o. LIG, 1/3, Kukatpally Housing Board, Kukatpally, R.R. District.
2 Vardhineedi Nageswara Rao, S/o. Satyanarayana, Hindu,
R/o. LIG, 83/1, Kukatpally Housing Board, Kukatpally, R.R. District.
3 Maddala Rangarao, S/o. Apparao, Hindu,
R/o. LIG, 59/3, Kukatpally Housing Board, Kukatpally, R.R. District.
4 Vattiprolu Ramakrishna, S/o. Suranna, Hindu,
R/o. LIG, 48/3, Kukatpally Housing Board, Kukatpally, R.R. District.
5 Maddala Ganesh, S/o. Rangarao, Hindu,
R/o. LIG, 59/3, Kukatpally Housing Board, Kukatpally, R.R. District.
6 M. Ramarao, S/o. Guravaiah, Hindu,
R/o. LIG, 60/1, Kukatpally Housing Board, Kukatpally, R.R. District.
7 N. Venkataramaiah, S/o. Kanakarao, Hindu,
Plot No. 18, Bhagyanagar Colony, Kukatpally, R.R. District.
8 K. Ramakrishna, S/o. Balaraju, Hindu,
R/o. LIG, 94/11, Kukatpally Housing Board, Kukatpally, R.R. District.
9 Chekuri Venkataraju, S/o. Sathiraju, Hindu,
Bollaram Village, R.R. District.

..... PETITIONERS

AND

The Commissioner, Kukatpally Municipality, R.R. District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent in evicting and demolishing the structures of the petitioners situated at Phase-V, near Executive Engineer Office, (West & South), J.N.T.U. Road, Kukatpally, as illegal, arbitrary and violative of principles of natural justice and further directing the respondents to drop all further proceedings including eviction and demolition of the structures of the petitioners.

For the Petitioners: MR.K.V.L.NARASIMHA RAO, Advocate

For the Respondent: MR.R.TIMMA REDDY, SC for Kukatpalli Municipality

The Court at the stage of admission made the following :

ORDER:

This writ petition has been filed for the issuance of a writ declaring the action of the respondent-Kukatpalli Municipality in evicting the petitioners from their premises and in demolishing their structures situated at Phase-V, near Executive Engineer Office (West & South), J.N.T.U. Road, Kukatpally, as illegal and violative of the principles of natural justice.

It is the case of the petitioners that they have been in possession of the above said premises for the last so many years and are doing petty businesses therein, for eking out their livelihood, by paying encroachment fees to the respondent-Municipality. Their grievance is that on 18-11-2004 the officials of the respondent without any notice and without providing any alternative accommodation, started demolishing the structures at the premises in question and evicting the petitioners therefrom. Hence, the writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

The petitioners admittedly are encroachers of a public street in the respondent-Municipality. Public streets are meant for the use of public to walk, and movement of vehicles for transporting public and goods, and they are not meant for doing business, causing inconvenience to the general public. Though the petitioners claim that they are paying encroachment fee to the respondent-Municipality, that by itself does not vest in them any right to continue to squat on the public property causing inconvenience to the public as well as to free movement of traffic. Having regard to the fact that the respondent-Municipality with a view to ease the traffic movement, had taken steps to remove the encroachments existing on the public streets, and in that direction, had taken steps to remove the encroachments at the premises in question, the petitioners, who admittedly are doing petty businesses on the encroached premises, cannot have any grievance against the removal of encroachments in the public streets and their removal from the premises in question, and more so, such removal is for the benefit and convenience of the general public.

In the circumstances, the writ petition is devoid of merit, and the same is

accordingly dismissed. No costs. As the learned counsel for the petitioners submits that the petitioners want to file an application before the revenue authorities concerned for allotment of alternative site, it is open for the petitioners to file such an application, and on such filing, the revenue authorities shall consider and dispose of the same in accordance with law.

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N.V. RAMANA, J

Date: 22-11-2004

Svv

To

1. The Commissioner, Kukatpally Municipality, R.R. District.

2. Two CD copies.